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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,309	03/12/2004	Peter T. Barrett	MS1-1794US	1753
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
EXAMINER				
JEAN, FRANTZ B				
ART UNIT		PAPER NUMBER		
2154				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,309

Applicant(s)

BARRETT ET AL.

Examiner

Frantz B. Jean

Art Unit

2154

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13, 15, 34-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13, 15, 34-36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 3/07/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to applicants' response filed on 1/08/08. Claims 7-13, 15, 34-36, and 38 are pending in this application.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/07/08 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

After further review of the prior art to Boivie, the objection to claims 14 and 37 indicated in the 10/05/07 correspondence have been withdrawn.

Claim Rejections. 35USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if

the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

Claims 7-12, 15, 34-36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Boivie et al. hereinafter Boivie US patent Number 6,981,032B2.

As per claim 7, Boivie teaches one or more processor-accessible media comprising processor-executable instructions that, when executed, direct at least one device to perform actions comprising: combining a media data segment number and a media data block number to form a media data identification value, the media data block number corresponding to a media data block of a media data segment that corresponds to the media data segment number; applying the media data identification value to a hashing function to produce a media data hash value; and mapping the media data hash value to a bin of a hash table, the bin of the hash table associated with a device (154 hash table) (col. 3. line 55 to col. 4 line 32; col. 7 line 52 to col. 8 line 35); and wherein the processor-executable instructions, when executed, direct the at least one device to perform further actions comprising:

combining another media data segment number and another media data block number to form another media data identification value; applying the other media data identification value to the hashing function to produce another media data hash value (col. 3. line 55 to col. 4 line 32; col. 7 line 52 to col. 8 line 35).;

mapping the other media data hash value to another bin of the hash table, the other bin of the hash table associated with the device (col. 3. line 55 to col. 4 line 32;

col. 7 line 52 to col. 8 line 35). It must be noted that the claims as amended only combined or added another media to the one already provided in the claim.

As per claim 8, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions wherein the bin of the hash table (154) is associated with a sender that is capable of sending the media, data block to a client (col. 3 lines 55-65).

As per claim 9, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions that, when executed, direct the at least one device to perform a further action comprising: storing the media data block in a device associated with the bin of the hash table (154) (col. 3 line 55 to col. 4 line 35).

As per claim 10, Boivie teaches one or more processor-accessible media as recited in claim 9, wherein the action of storing the media data block comprises an action of: storing the media data block in association with a sender that is associated with the bin of the hash table, the sender functioning on the device (154) (col. 3 line 55 to col. 4 line 35).

As per claim 11, Boivie teaches one or more processor-accessible media as recited in claim 7, comprising the processor-executable instructions that,, when executed, direct the at least one device to perform a further action comprising: transmitting a send request that stipulates the media data block to a sender associated

with the bin of the hash table (154), the sender capable of sending the media data block to a client (c01.7 line 51 to col. 8 line 35).

As per claim 12, Boivie teaches one or more processor-accessible media as recited in claim 7, wherein the action of combining comprises an action of: concatenating the media data segment number and the media data block number to form the media data identification value (col. 3 lines 4-65).

As per claim 15, Boivie teaches one or more processor-accessible media as recited in claim 7, wherein the action of mapping comprises an action of: mapping the media data hash value to the bin of the hash table, the bin of the hash table associated with a first device and a second device; wherein the first device has a primary role with respect to the bin and stores all media data blocks mapping thereto, and the second device has a secondary role with respect to the bin and stores media data blocks mapping thereto that also correspond to a predetermined popularity level (col. 3 line 55 to col. 4 line 32 and col. 7 line 52 to col. 8 line 35).

As per claim 34, Boivie teaches one or more processor-accessible media comprising processor-executable instructions that, when executed, cause a system to determine popularity of media data portions in accordance with a number of clients requesting each media data portion (col. 8 lines 11-57);

to locate the media data portions using a hashing function and a hashing table (154); and to replicate those media data portions that are within a top predetermined popularity percentage (col. 6 lines 26-44); wherein the system determines the popularity of media data portions by ranking the media data portions from a media data portion

being requested by the most clients to media data portions being requested by fewer and fewer clients, by computing a number of clients that equals a product of the top predetermined popularity percentage and a total number of requesting clients, and by identifying those media data portions that are requested by the computed number of clients starting with the media data portion being requested by the most clients and progressing in ranked order along those media data portions being requested by fewer and fewer clients (see col. 8 lines 11-57; col. 6 lines 26-44).

As per claim 35, Boivie teaches the one or more processor-accessible media as recited in claim 34, comprising the processor-executable instructions wherein the hashing table includes a plurality of bins with each bin being associated with a primary sender and a secondary sender, the secondary sender associated with replicated media data portions (col. 7 line 35 to col. 8 line 10).

As per claim 36, Boivie teaches one or more processor-accessible media as recited in claim 34, comprising the processor-executable instructions wherein each media data portion comprises a media data block; the hashing function produces a media data hashing value from a media data block number and a media data segment number; and the media data hashing value maps the media data block to a bin of the hashing table (col. 7 line 35 to col. 8 line 10).

As per claim 38, Boivie teaches one or more processor-accessible media as recited in claim 34, comprising the processor-executable instructions wherein the media data portions are located using the hashing function and the hashing table by mapping the media data portions to bins of the hashing table with each bin of the hashing table

being associated with at least one device that stores the media data portions mapping thereto (col. 3 line 55 to col. 4 line 35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject, matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boivie. As per claim 13, Boivie substantially teaches all the claim limitations as discussed above. However, Boivie fails to teach a LFSR. Official notice is taken that this feature is well known and recognized in the art to generate a value. One ordinary skill in the art at the time of the invention would incorporate a LFSR in Boivie's system to generate and produce the value necessary for the media data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/
Primary Examiner, Art Unit 2154